

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SAMUEL COSBY,

Plaintiff,

-vs-

UNITED STATES GOVERNMENT,
et al.,

Defendants.

Case No. CIV-20-0279-F

ORDER


Plaintiff Samuel Cosby, an Oklahoma prisoner appearing *pro se*, brings this action claiming violations of his constitutional rights related to his state criminal conviction, and claiming deliberate indifference to his medical need to be tested for poison. Before the court is Magistrate Judge Suzanne Mitchell's Report and Recommendation of September 10, 2020 (doc. no. 16), which recommends that the court dismiss the complaint on initial screening. The Report advises plaintiff that he may object to the Report on or before October 1, 2020, and that failure to file a timely objection waives the right to appellate review of both the factual and legal issues addressed in the Report. Mr. Cosby has not filed an objection, but a declaration has been received from non-party David Vickers and has been considered.¹

¹ The clerk has mailed a copy of the Report and Recommendation to Mr. Cosby at his record address three times. The first two mailings were returned. Doc. nos. 18, 19. The third mailing occurred on October 7, 2020. To date, it has not been returned.

The Report is twenty-six pages long. It details which defendants and which claims should be dismissed with prejudice, and which should be dismissed without prejudice. The Report provides the magistrate judge's reasoning, and it concludes by recommending that the complaint be dismissed in its entirety. The court has carefully reviewed the Report. Having done so, the court states its agreement with the Report, including all of its recommended findings and rulings. The court further finds that given the detailed analysis set out in the Report, no purpose would be served by any additional discussion of the issues here.

With there being no objection to the Report, and having reviewed the matters covered there, the Report and Recommendation of the magistrate judge is **ACCEPTED, ADOPTED** and **AFFIRMED** in all respects, and the complaint is **DISMISSED** in its entirety.

IT IS SO ORDERED this 5th day of November, 2020.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE